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S3	120	RD (unique items)
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T·S3/FULL/28

3/19/28 (Item 28 from file: 15)

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01594608 02-45597

Cyberspace conflicts?

Mandell, Janette

Software Magazine v18n4 PP: 20 Mar 1998 ISSN: 0897-8085 JRNL CODE: SMG

DOC TYPE: Journal article LANGUAGE: English LENGTH: 1 Pages

WORD COUNT: 718

ABSTRACT: According to a commentary, it is becoming evident that the US legal system must adapt to better handle disputes within the fast-paced IT world. The current system is too slow and expensive. Several online dispute resolution Web sites have taken root on the Internet, including: 1. the University of Maryland Online Mediation Project, which focuses primarily on family law disputes; 2. the Virtual Magistrate, which offers to settle disputes for systems operators; and 3. the Online Ombuds Office, an online dispute resolution project run out of the Legal Studies Department at the University of Massachusetts at Amherst.

TEXT: Headnote:

Online dispute resolution, not costly lawyers, may be your best recourse. Suppose for a moment that you're the head of software development in a mid-sized corporation and one of your software engineers quits to start his own business. No problem, right? Well, at least not until you discover that he's going to market a product he developed when you were paying his salary.

If you've already picked up the phone to call an attorney specializing in intellectual property law, perhaps you'd better hang up long enough to consider the most probable outcome - lengthy litigation. Even if you ultimately win the case, you could still end up losing if the product loses most of its market value. All your company may be left with are costly attorney fees and frustration.

It's becoming evident that the American legal system must adapt to better handle disputes within the fastpaced IT world. The current system is too slow and too expensive. And think about the logistical nightmares that unfold when parties from different continents decide to go to court.

These are the types of problems being addressed by a number of lawyers, scholars, and IT experts who see the Internet spawning a new range of legal questions, but who also view the Net as part of the solution.

"I think the [computer] screen has the potential to act as an intermediary panel that allows each side to articulate positions so they become clearer," says David Johnson, the co-director of the Cyberspace Law Institute.

The Cyberspace Law Institute, first formed in 1995, comprises 30 fellows who meet in small groups to try to advance the laws of the Internet. Their premise is that users and providers do a lot to resolve their own disputes.

Several online dispute resolution sites have already taken root on the Internet. The emergence of such sites can be traced back to 1996, when the National Center for Automated Information Research awarded the following three pilot projects a total of \$200,000.

The University of Maryland Online Mediation Project focuses primarily on family law disputes. www.mediate-net.org

The Virtual Magistrate offers to settle disputes for systems operators.

vmag.vcilp. org

The Online Ombuds Office is an online dispute resolution project run out of the Legal Studies Department at the University of Massachusetts at Amherst. The project tackles disputes involving domain name registration, competitors and intellectual property, copyright, newsgroups, and ISPs. www.ombuds.org

Early on, the need for such services was evident to John Helie, co-director of the Mediation Information and Resource Center (www.mediate.com), a for-profit, online database of mediators. When Helie set up a non-profit, networking center for practitioners of alternative dispute resolution for the Institute of Global Communications years ago, the site was bombarded by people looking to settle disputes.

Today, more businesses than ever are snubbing the courts in favor of alternative dispute resolution such as arbitration or mediation, according to Roberta Katz, general counsel to Netscape.

"Business is increasingly saying, 'I don't want to go to court because it's unpredictable and you get out-of-whack jury awards,'" Katz says.

Still, online resolution services have yet to take off. The two parties in the scenario described at the beginning of this column agreed to bring their case before the Online Ombuds Office. But like most of the 40 disputants that have come for help, they walked away before completing the whole process. And, the Virtual Magistrate has been unsuccessful in getting any ISP to agree to use its services as a matter of contract.

"I think it will catch on when it becomes a required stage in resolving disputes for online activities. That may well start to occur with domain name registration systems this year," says Johnson.

Ethan Katsh, a professor of legal studies at UMass, and the co-director at the Center for Information Technology and Dispute Resolution, says the lack of appropriate software is the biggest obstacle to the growth of such resolution services as the Online Ombuds Office. Such software is currently being developed, and so too is the office.

"We've got skilled people operating in a building that just has a frame up. It's unreasonable to expect us to have all the answers. But we have a clear sense of direction," says Katsh. "We're actually looking for good cases. And we're still giving something away for free."

THIS IS THE FULL-TEXT. Copyright Software News 1998
GEOGRAPHIC NAMES: US

DESCRIPTORS: Internet; Disputes; Negotiations; Web sites
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From American Political Science Review, March 01 1998 by Timothy Feddersen, Wolfgang Pesendorfer
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From Newsbytes News Network, December 17 1999 by Martin Stone
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MONTREAL, PQ, June 15 /CNW-PRN/ -

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Newsbytes

March 31, 1999

Internet Insurance Dispute Resolution Service Hits 1,000 Mark 03/31/99.

NEW YORK, NEW YORK, U.S.A., 1999 MAR 31 (NB) -- By Sylvia Dennis, Newsbytes. Cybersettle.com, the Web-based dispute insurance resolution service, says that it has now handled its one thousandth dispute claim. The service, which started out online in July of last year, has grown quickly, Newsbytes notes. Today, 20 insurance firms, notably AIG and Travelers, are active subscribers to the service, which aims to act as an impartial "judge" that arbitrates in disputes. Jim Burchetta, Cybersettle.com's chairman, said the firm is pleased with the response of insurance companies and even plaintiff's attorneys to the system. "When we started out, many companies were initially reluctant to use a new way to settle cases, but once they saw Cybersettle's system settle cases in days rather than months or years, they became regular subscribers," he said. Burchetta said that he sees Internet dispute resolution as an incredibly fast and efficient tool for insurers and plaintiff's attorneys. Charles Brofman, Cybersettle.com's president, said that, just like insurance companies, plaintiff's attorneys are rapidly overcoming any initial concerns about using the Cybersettle system. "We had one attorney who received information about us, but thought he couldn't participate without Internet access. We offered him a telephone option, which he elected to use and he quickly settled his case," he said. According to Brofman, quite by chance, another insurer using the Cybersettle system submitted a second claim to the attorney, and that case was settled as well. "Now the attorney wants us to put all of his cases into the Cybersettle system," he said. To use the Cybersettle system, three confidential settlement offers are entered via Cybersettle.com's secure Web site. The other party then submits three demands, one for each of three rounds, via a secure input form on the Web site. According to the company, if the offer and demand are within a specified percentage in any round, the case settles immediately for the average of the two amounts. If there is no settlement, however, neither party is prejudiced as all the figures submitted are kept strictly confidential. Reported by Newsbytes News Network, <http://www.newsbytes.com> . (19990331/Press Contact: Donna Soto, Cybersettle 212-687-4242; Mark Pruner, Web Counsel 914-925-9300 /WIRES ONLINE, LEGAL, BUSINESS/)



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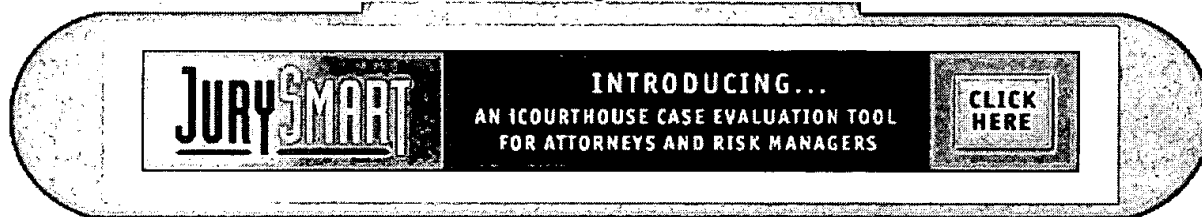
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Jurors serve at their convenience. They can read and think about case materials at their own, comfortable speed. iCourthouse jurors can freely ask the parties questions that they feel are important. Could being a Juror be, do we dare say it, fun? It is at iCourthouse. Sign up now and find out.

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USER AGREEMENT

RULES OF PROCEDURE

PRIVACY POLICY

FAQS


SITE MAP

JURY SMART

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AN iCOURTHOUSE CASE EVALUATION TOOL
FOR ATTORNEYS AND RISK MANAGERS

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ABOUT iCOURTHOUSECONTACT iCOURTHOUSE

FILE A CLAIMBE A JURORVIEW CASES

ABOUT iCOURTHOUSE

iCourthouse is the internet's courthouse. The system of the courthouse, and how cases are presented and verdicts are arrived at, resemble procedures found at traditional courthouses.


Here at iCourthouse, justice moves swiftly and surely. Justice here is more egalitarian, more democratic, and, actually, rather enjoyable.

iCourthouse.com serves the community of internet users in many of the ways that a brick-and-mortar courthouse serves its community. It is an online courthouse where you can present your disputes for trial before a jury of your peers, any time, for any reason.

If you have a dispute, and would like to deal with it civilly, legally and quickly, bring it to iCourthouse.com. iCourthouse is always in session.

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HOME

PRESS COVERAGE

PRESS RELEASES

TESTIMONIALS


USER AGREEMENT

RULES OF PROCEDURE

PRIVACY POLICY

FAQS


SITE MAP



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CONTACT ICOURTHOUSE

FILE A CLAIM

BE A JUROR

VIEW CASES

FILE A CLAIM

Filing a Claim at iCourthouse is simple.

Just join iCourthouse at [Registration](#), fill out the Plaintiff Claim form, serve the iCourthouse Summons on the defendant(s) via e-mail, and complete your Trial Book.


It is just as easy for a defendant to oppose a Claim: Just join iCourthouse and complete your Trial Book.

To join iCourthouse, you must accept the [User Agreement](#) and the [iCourthouse Rules of Procedure](#).

Once the Trial Books of all participating parties are completed and submitted for decision, jurors will deliver their verdict, along with juror comments about the case. Justice will have been done!

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GET JURY SMART



MY ICOURTHOUSE
(LOG IN)

BECOME A MEMBER


USER AGREEMENT

RULES OF PROCEDURE

PRIVACY POLICY

FAQS


SITE MAP



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ABOUT iCOURTHOUSE
CONTACT iCOURTHOUSE

FILE A CLAIM
BE A JUROR
VIEW CASES

VIEW CASES

Welcome to the iCourthouse case docket.

Summaries of pending iCourthouse cases are listed below. Once you [Join iCourthouse](#), you can see all the evidence and arguments filed in the cases, pick cases to serve on as a juror, ask the parties questions, and give your verdict.

If you see a case that you think a friend, neighbor, family member, or co-worker might find interesting, [invite them to visit](#).

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[1](#) | [2](#) | [3](#) | [4](#) | [5](#) | [6](#) | [7](#) | [8](#) | [9](#) | [10](#) | [11](#) | [12](#) | [13](#) | [14](#) | [15](#) | [16](#) | [17](#) | [18](#) | [19](#) | [20](#) | [21](#) | [22](#) | [23](#) | [24](#) | [25](#) | [26](#) | [27](#) | [28](#) | [29](#) | [30](#) | [Next](#)

CASE NUMBER 2002-10785
my car was towed to a mechanic on nov 20.i called on nov 21 at noon time they did not look at it yet. on friday nov 22 they informed me they needed to order a part that would be in on monday nov 25. I picked up the car on nov 26 and didn't even make it home it died again. the odometer was at 183 when it died and when i picked it up. i know because i was using it to track gas (the gas guage was broken.) it was towed on nov 26th again. i called every day and he did not know what was wrong. finally on dec 4th the car was towed to another mechanic. i am requesting 768.00 for the first repair, 168.00 for a rental car plus 18.00 per day for the one i have now (dec 3-dec 6th) and 58.00 for another tow to the dealership.
[Be a juror on this case](#)

CASE NUMBER 2002-10783
Bought a digital projector through Ebay. Paid through PayPal. Never received product.
[Be a juror on this case](#)

CASE NUMBER 2002-10782
Buddy broke in and attacked violet in her home.
[Be a juror on this case](#)

CASE NUMBER 2002-10781
Violet was bleeding from injuries to her mouth and forehead. There was blood on Violet's robe. Violet also complained of pain in her ribs and shoulder. Officers found that a window on the garage door had been broken. The officers saw blood on the window frame and on the tool cabinet. The officers began searching the area around Violet's residence.
[Be a juror on this case](#)

[iCOURTHOUSE TOUR](#)
[GET JURY SMART](#)

[FIND CASE](#)
[USER AGREEMENT](#)
[RULES OF PROCEDURE](#)
[PRIVACY POLICY](#)
[FAQS](#)
[SITE MAP](#)

CASE NUMBER 2002-10780

This person broke into my house and wanted to steal my crystal rings. I hit them with a broom knocking them out.

Be a juror on this case

CASE NUMBER 2002-10779

This person was truant and could not get credit for the class

Be a juror on this case

CASE NUMBER 2002-10778

On June 7, 1985 Anthony Marrks Killed me. Now, I want to take him to court

Be a juror on this case

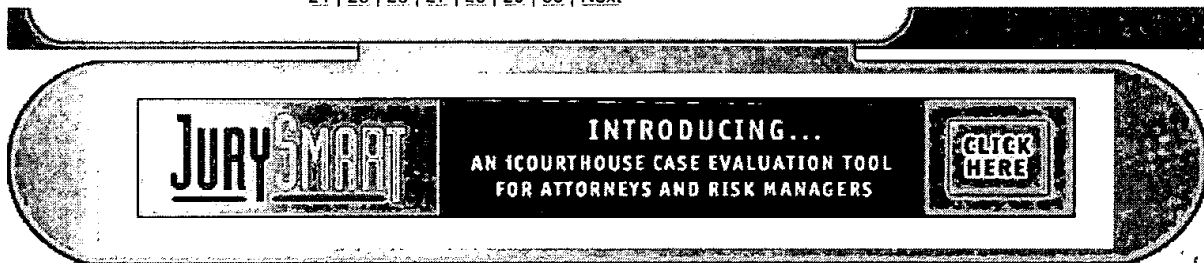
CASE NUMBER 2002-10777

Hellon every one. I am a freelance translator from Algeria who worked for the BBC under a unlimited contract. Last May they stopped sending me assignments and did not pay me for the previous months. I contacted them to know the reasons of their attitude but I received no answer. Thank you in advance Yours

Sincerely, Abdelkader Rekab

Be a juror on this case

1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
24 | 25 | 26 | 27 | 28 | 29 | 30 | [Next](#)



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ABOUT ICOURTHOUSE

CONTACT ICOURTHOUSE

FILE A CLAIM

BE A JUROR

VIEW CASES

JURYSMART

JurySmart is an iCourthouse innovation that gives attorneys and other risk-evaluation professionals a powerful new tool for assessing the merits of a case, at any stage. iCourthouse has developed JurySmart to leverage the wisdom and diversity of its tens of thousands of online jurors. After presenting claims to the pool of iCourthouse jurors, JurySmart users receive a written report certifying the official results, including verdicts, comments, juror questions, and a jury profile. JurySmart Report data is invaluable in the hands of experienced legal professionals.

JurySmart helps you do the best possible job for your clients. You can use JurySmart to assess the strengths and weaknesses of a case. Claims can be quickly sorted for appropriate action at the intake stage. Due diligence investigation about the merits of a case can be strengthened and better documented with a JurySmart Report. Posting a case at iCourthouse gives clients and other decision makers a convincing reality check, and the JurySmart Report provides an informative vehicle for discussions with clients and colleagues. JurySmart also helps you allocate resources efficiently, focusing on the witnesses and issues that are most important to the success of your case.

It's easy to get JurySmart. Simply place your order, then complete your case summary. You are immediately given an iCourthouse case number and a personal password-protected page at My iCourthouse. From your My iCourthouse page you can access Trial Books where you post the evidence and arguments for the claim. Once all Trial Books are complete, the iCourthouse jurors review the evidence, ask you questions, and provide verdicts and comments. When you have as many verdicts as you want, go to My iCourthouse and dismiss the case. Within a week iCourthouse will send you the JurySmart Report for your case, containing Trial Books (exclusive of digital evidence) and the certified results of your case including juror verdicts, comments and questions, and a jury profile. [Click here to see a sample JurySmart Report.](#)

At only \$189 per report, JurySmart is priced to make the analytical power of a mock jury affordable for any claim and any client.

Ready to get JurySmart? Start here.

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HOME

USER AGREEMENT

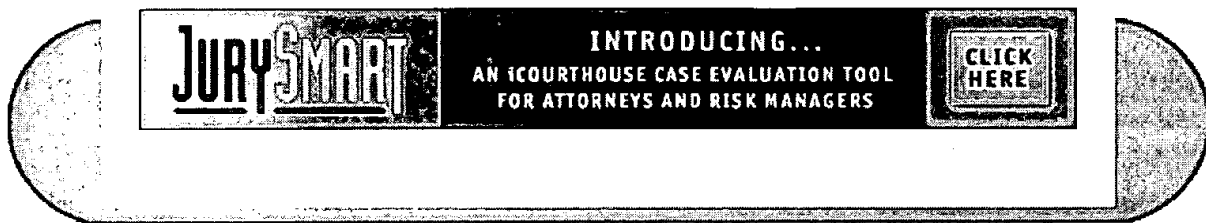
RULES OF PROCEDURE

PRIVACY POLICY


ABOUT

FAQS

SITE MAP



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ABOUT iCOURTHOUSE CONTACT iCOURTHOUSE

[FILE A CLAIM](#) [BE A JUROR](#) [VIEW CASES](#)

iCOURTHOUSE RULES OF PROCEDURE

Rule 1: Compliance with User Agreement

All iCourthouse parties and jurors must comply with the [User Agreement](#).

Rule 2: Size Limitations

- (a) Total evidence shall not exceed 1 MB.
- (b) No evidence exhibit file may be larger than 100KB.

Rule 3: No Personal Information

Content submitted to iCourthouse shall not contain both first and last names, or addresses, of people or companies. Content shall also not contain other specifically identifying information. Content shall not contain racial, religious, or ethnic identifying information.

Rule 4: Response to Summons

Defendants shall respond to an e-mail summons by registering as a defendant within 10 days. If a defendant fails to register within 10 days, jurors may render verdicts based solely on the plaintiff's trial book.

Rule 5: Submission of Trial Books

Each registered plaintiff and defendant is issued a Trial Book upon registration. Each party shall complete its Trial Book within 72 hours of registering.

Rule 6: Invitation to Juror Duty

- (a) Each party may invite persons to serve as jurors on a case. There is no limit on the number of invitations that can be issued.
- (b) Persons invited to serve as juror on a case may forward the invitation to others.

Rule 7: Juror Review of Trial Books

[iCOURTHOUSE TOUR](#)

[GET JURY SMART](#)

[MY iCOURTHOUSE \(LOG-IN\)](#)

[HOME](#)

[USER AGREEMENT](#)

[RULES OF PROCEDURE](#)

[PRIVACY POLICY](#)

[ABOUT](#)

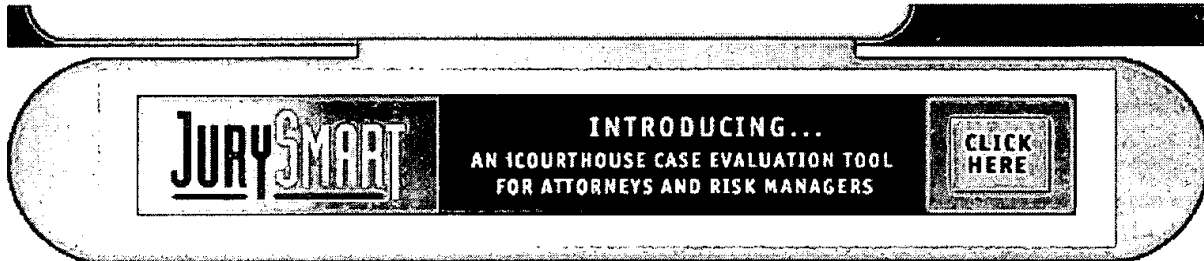
[FAQS](#)

[SITE MAP](#)

Jurors shall read and review the entire contents of each party's Trial Book before rendering a verdict.


Rule 8: Size of Damage Awards

Jurors shall not award damages in excess of the damages requested by a plaintiff. Any verdict awarding excessive damages shall be null and void.



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[FILE A CLAIM](#) [BE A JUROR](#) [VIEW CASES](#)

FAQ

What can I do once I join iCourthouse?
iCourthouse members can act as jurors in cases pending at iCourthouse, and can file their own cases, all for free. Take the [iCourthouse Tour](#) to learn more.

How do you know who won a case?
The parties can agree whether to count a majority, two thirds, or what proportion of the verdicts will constitute a decision. The trial book shows all the verdicts entered so far, juror comments, and a median verdict.

How do you make a result enforceable?
Results are enforceable by agreement between the parties. You can use the following language to make your decision enforceable: "We, the parties to case number --- agree that the verdict rendered by the jury in the iCourthouse case will be binding on us, and will be enforceable as a judgment in a court of appropriate jurisdiction."

How long are cases open?
Cases are open until dismissed by the plaintiff, either because the parties agree that there has been a final verdict, or because the parties have settled the case. Parties can also leave a case open for juror feedback indefinitely, but agree that only the verdicts given before a specific date and time will count, or that only the first given number of verdicts will count.

Can I use real names in my case?
No, our User Agreement and Rules prohibit the use of proper names, or identifying information such as addresses. Use terms such as "Plaintiff" or "Defendant" or Buyer or Seller, to designate the parties.

Does it cost money to be a juror?
No. There is never a charge to the jurors.

What are the costs?
Filing a regular case at iCourthouse is FREE. So is being a juror. Attorneys can file a JurySmart case and, for \$189, receive a written report certifying official trial results.

How do I get to my trial book after I have filed my case?
Click on My iCourthouse, enter your user name and password, and when you are welcomed you will be presented with all of the cases in which you are a party or a juror. If you are a party, there will be an

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[GET JURYSMART](#)

[MY ICOURTHOUSE \(LOGIN\)](#)

[HOME](#)

[PRESS COVERAGE](#)

[PRESS RELEASES](#)

[TESTIMONIALS](#)

[USER AGREEMENT](#)

[RULES OF PROCEDURE](#)

[PRIVACY POLICY](#)

[FAQS](#)

[SITE MAP](#)

option to "View and edit trial book"

What is iCourthouse?

iCourthouse is the courthouse of the Internet. Only at iCourthouse can you present, view, or participate in jury trials on line.

How do I upload a digital file?

Click on "Browse" to find the file on your computer, and double-click on the file (or select it, then click "Open") when you've found it; its name will appear next to "File to upload." Then select the type of file under "File type," and click on "Upload." Note: Available file types are Microsoft Word (.doc); Adobe Acrobat (.pdf); JPEG images (.jpg); GIF images (.gif); Rich Text Format (.rtf); AIFF audio (.aiff); WAV audio (.wav); and plain text (.txt).

Is iCourthouse just for attorneys?

Absolutely not! Anyone can file a case or serve as a juror.

How does iCourthouse safeguard my personal information?

See the iCourthouse [Privacy Policy](#).

How is a case presented?

Go to [How to Use Trial Book](#).

Is there sample language to put into an agreement, before any dispute arises, so the dispute can be resolved through iCourthouse?

Yes. The following is one example of language to be inserted into a contract for Binding Agreements:

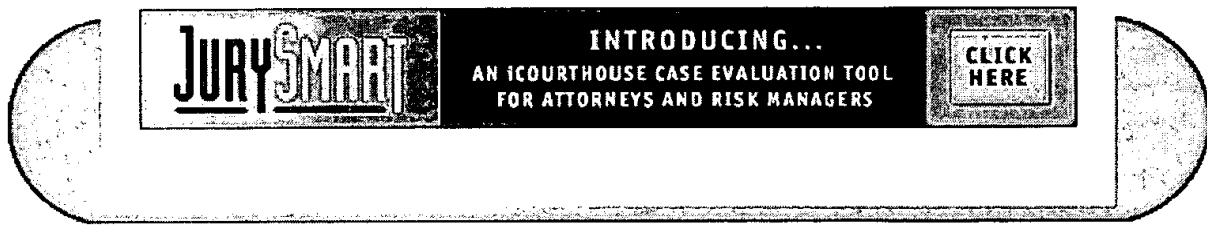
"In the event that a dispute arises out of this transaction, the parties agree to submit that dispute for binding resolution through iCourthouse. In the event that a party shall refuse to submit the dispute to iCourthouse, or files an action in any other court without first offering dispute resolution through iCourthouse, that party shall lose any right to attorneys fees it might otherwise be entitled to. The parties further agree that any verdict of iCourthouse may be reduced to a judgement in any court having jurisdiction over the parties, at the option of any party, without further adjudication."

How can I tell jurors about law that applies to my case?

It is easy to tell jurors about applicable law. In your Trial Book, in Opening Argument, Evidence, and Closing Argument, you can cite legal authorities. You can refer to general legal principles, jury instructions, statutes, and cases. You can also type in the URLs of sites containing legal resources for jurors to use.

What if I have a problem at the site?

Click on Contact iCourthouse, and let us know. We'll do our best to solve the problem.



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